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*Admitted only in Maryland
*Admitted only in Virginia
*Practice Limited to
Federal Agencies

October 6, 2005

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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Re: U.S. Utility Patent Application
Application No. 09/458,299; Filed: December 10, 1999
For: **Inducing Cellular Immune Responses to HER2/neu Using Peptide and
Nucleic Acid Compositions**
Inventors: **FIKES *et al.***
Our Ref: 2060.0140000/EKS/J-H

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Petition for Extension of Time Under 37 CFR 1.136(a);
2. Notice of Appeal From the Examiner to the Board of Patent Appeals and Interferences;
3. Assertion of Small Entity Status Under 37 C.F.R. § 1.27(c);
4. PTO Credit Card Payment Form in the amount \$760.00 to cover:
\$250.00 for the Notice of Appeal fee; and
\$510.00 for the three month extension of time fee; and
5. One return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
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The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Eric K. Steffe
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EKS/J-H/eaf
Enclosures

450841v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FIKES *et al.*

Appln. No.: 09/458,299

Filed: December 10, 1999

For: **Inducing Cellular Immune
Responses to HER2/neu Using
Peptide and Nucleic Acid
Compositions**

Confirmation No.: 8698

Art Unit: 1644

Examiner: DiBrino, M.

Atty. Docket: 2060.0140000/EKS/J-H

Assertion of Small Entity Status under 37 C.F.R. § 1.27(c)

Commissioner for Patents
PO Box 1450
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Sir:

This application is entitled to small entity status and the same is respectfully asserted.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

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Date: October 6, 2005

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